

**EXHIBIT P**

**11/21/2006 Trial Transcript Day 9**

1 0001

2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE DISTRICT OF MASSACHUSETTS

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6 In Re: )  
7 PHARMACEUTICAL INDUSTRY ) CA No. 01-12257-PBS  
8 AVERAGE WHOLESALE PRICE ) MDL No. 1456  
9 LITIGATION ) Pages 9-1 - 9-144

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12 BENCH TRIAL - DAY NINE  
13 BEFORE THE HONORABLE PATTI B. SARIS  
14 UNITED STATES DISTRICT JUDGE

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19 United States District Court  
20 1 Courthouse Way, Courtroom 19  
21 Boston, Massachusetts  
22 November 21, 2006, 9:10 a.m.

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30 LEE A. MARZILLI  
31 OFFICIAL COURT REPORTER  
32 United States District Court  
33 1 Courthouse Way, Room 3205  
34 Boston, MA 02210  
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1 that?

2 A. I do.

3 Q. If you'll turn with me to Page 7 and look at  
4 Footnote 4 --

5 THE COURT: Well, let me just -- have you now taken  
6 into account sampling?

7 THE WITNESS: I was asked -- I received information  
8 that they were involved, there were free samples given  
9 billed, which I didn't know before, and to be conservative, I  
10 didn't include.

11 THE COURT: Well, have you recalculated based on  
12 samples?

13 THE WITNESS: I have included some samples, yes.  
14 In the most recent calculations, they --

15 THE COURT: Well, how did you know how many samples  
16 there were?

17 THE WITNESS: I arbitrarily assumed half of them  
18 were. It was before I said none, and I didn't want to --

19 THE COURT: So how did you come up with  
20 50 percent?

21 THE WITNESS: It was the best estimate I could come  
22 up with.

23 THE COURT: From where?

24 THE WITNESS: It was a coin toss, so it was --

25 THE COURT: So if we backed out the samples --

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1 before you, your Honor, given that record, of any record for  
2 AstraZeneca, and so I think --

3 THE COURT: I'm not doing that, but what I will do  
4 is limit it to what they disclosed to you in a timely  
5 fashion. So how am I going to get that?

6 THE WITNESS: Well, it's already been provided.

7 MR. SOBOL: Yes, if I may, your Honor, there are a  
8 couple of things going on here.

9 THE COURT: I tell you what, we'll do it  
10 afterwards, because I don't want you to waste your 25 or 30  
11 minutes on this. You've made your point. Anything new that  
12 was disclosed with respect to sampling is struck on two  
13 grounds: One is it's new and undisclosed, and, second, is  
14 it's a coin toss, so --

15 MR. FLYNN: Your Honor, just for the record, I  
16 understand the Court's ruling. I have a memo of law to  
17 support the motion to strike the entire testimony which I'd  
18 like to submit. I understand --

19 THE COURT: It would have been nice to have had it  
20 beforehand. It's untimely, untimely. But I am striking the  
21 new stuff.

22 MR. FLYNN: Okay, your Honor, I'll move on.

23 THE COURT: And I've got to at least know what the  
24 new stuff is, so you'll supplement. I mean, this is the old  
25 stuff, what they had fair notice of.